

REMARKS

Applicant notes with appreciation the indication of allowability of claims 4, 6 and 8.

Double Patenting

Claims 1-3, 5, 7 and 9-10 have been provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 5 and 11 of applicant's co-pending Application No. 10/895,356. Applicant submits herewith a terminal disclaimer in compliance with 37 CFR 1.321 (c) or 1.321 (d), signed by Applicant's agent. As indicated by the Examiner, the submission of the disclaimer would overcome the double patenting rejection.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2 and 9-11 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Nastase. Applicant has carefully reviewed Nastase and respectfully submits that it does not establish a prime facie case of anticipation.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior reference. The identical invention must be shown in as complete detail as is contained in the claim. The elements must be arranged as required by the claim. (See MPEP 2131).

Applicant notes at the outset that the Examiner has not explained the basis of the rejection. The Examiner has merely quoted a phrase or clause from a claim under rejection and refers generally to a section of the Nastase paper. Applicant respectfully submits that this is improper.

For example, the Examiner refers to the Nastase Abstract to assert that Nastase discloses a "method for deducing signal parameters of data signals", language from claim 1. The Examiner has not indicated where in the Abstract the phrase may be found. Applicant is unable to find any such text in the abstract. The Examiner states that Sections I and II disclose "generating data signals that consist of predetermined data sequences". Applicant has carefully reviewed these sections and, again, is unable to find any such text. The Examiner relies on section IV for teachings with respect to "measuring average voltage "of each data signals" (emphasis added). As best as Applicant can determine, Nastase processes only one signal, not signals that are generated from "predetermined data sequences". Applicant's method calculates signal properties from the averages of these signals.

Nastase requires rectification of a signal before measuring an average resulting voltage. As a result, the average resulting voltage obtained by Nastase is not the average voltage of the signal. Further, there is no teaching, suggestion or reason in Nastase for measuring a difference between the averages of signals.

Using the method of the present invention to measure pulse amplitude, which Nastase wishes to measure, would eliminate the need for a rectifier and would require that double-width pulses be generated in at least a second pattern, not disclosed by Nastase. Eliminating the rectifier would be contrary to the teachings of Nastase.

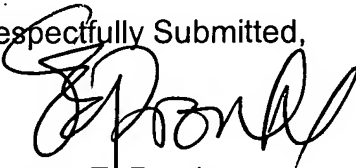
Using the Nastase method to measure signal amplitude, as desired by the present invention, would require adding at least a rectifier between the access resistor and the signal (and a constant current sync and a "fast" comparator), which are impractical for GHz signals with which Applicant is concerned. The only reference to signal frequencies in Nastase is in line 2 of section II, which refers to 10 MHz. Accordingly, Applicant fails to appreciate why one seeking a method of deducing signal parameters of data signals in the GHz range would refer to Nastase.

The method disclosed by Nastase is not the method described and claimed in the present application. Nastase does not disclose each and every element as set forth in the claim and does not disclose the "identical invention" of the claim. Reconsideration is respectfully requested.

Similar comments apply to the rejections of claims 2 and 9-11, which depend directly or indirectly from claim 1 but which define additional features which are not disclosed by Nastase

Applicant respectfully submits that the claims under rejection are not anticipated by Nastase and that the application is in condition for allowance. Early favorable reconsideration and action to this end is respectfully requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'E. Proulx', is written over the text 'Respectfully Submitted,'.

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